

OBTAINING OR RESPONDING TO AN INJUNCTION AGAINST HARASSMENT

FORMS AND INSTRUCTIONS TO BE USED BY EITHER SIDE
IN ARIZONA MUNICIPAL (CITY), JUSTICE OF THE PEACE, OR
SUPERIOR COURTS

USE THIS PACKET IF YOU WANT:

- *TO OBTAIN AN INJUNCTION AGAINST HARASSMENT
- *TO RESPOND TO AN INJUNCTION AGAINST HARASSMENT
- *A HEARING ON AN INJUNCTION AGAINST HARASSMENT
- *TO CHANGE AN INJUNCTION AGAINST HARASSMENT
- *TO TRANSFER THE INJUNCTION AGAINST HARASSMENT
CASE TO YOUR DIVORCE, PATERNITY, LEGAL
SEPARATION, OR ANNULMENT CASE

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you understand your legal rights and responsibilities. The Self-Help Center has information on finding an attorney.

THINGS YOU SHOULD KNOW ABOUT PROTECTIVE ORDERS

IN AN EMERGENCY CALL: 911

NOTE: This booklet is intended to provide general information about protective orders. It is not a complete nor authoritative review of this subject and reflects the laws of the State of Arizona only as of the date of its publication. The booklet is not intended to be a complete guide to obtaining a Protective Order. Domestic Violence often involves many important issues about the legal rights of the people involved and of any children as well. Questions about specific situations should be discussed with an attorney.

Words which are included in the "Words & Definitions" section will be bolded, italicized and underlined in the text.

When you are in a relationship with someone who uses threats, harasses, molests, stalks, attacks, batters or strikes you, your family or your children, that person is committing Domestic Violence. You are not alone. People from all ethnic, educational, and socioeconomic backgrounds experience domestic violence.

If you are experiencing Domestic Violence, you have a legal right to seek relief from the courts by getting a protective order.

In the State of Arizona, Domestic Violence includes a variety of abusive acts. You must be able to show the court that the person from whom you want protection has committed or may commit an act of Domestic Violence. You do not have to be physically injured or hurt to be a victim of Domestic Violence. Domestic violence occurs if the other person has done or attempts to:

- endanger you
- threaten, intimidate, or harass you
- interfere with the custody of your children
- trespass on or damage your property
- restrain you, kidnap, or hold you prisoner
- assault you with his/her body or with a weapon
- display a deadly weapon or threaten you with a deadly weapon
- surreptitiously (without your knowledge) photograph, videotape, film or record you

The person only needs to threaten harm or abuse you once for the act to be considered Domestic Violence.

Other acts of disorderly conduct and crimes such as stalking and disobeying a court order are also considered Domestic Violence.

QUESTIONS AND ANSWERS

What types of protective orders are available in Arizona?

A Protective Order is a document obtained from a court, to order the abusive person not to contact you and to prevent abusive behavior. In Arizona there are five types of protective orders:

1. Order of Protection
2. Emergency Order of Protection
3. Release Order

4. Injunction Against Harassment
5. Injunction Against Workplace Harassment

What is an Order of Protection?

A person who believes her/his safety is in danger due to domestic violence or harassment can ask the court for an Order of Protection or an Injunction Against Harassment.

An Order of Protection is a legal restraint used to prohibit a person from committing acts of domestic violence or from contacting people protected by the order. It also provides several kinds of protective relief, such as removing firearms from the home, adding other people to the protective order, and exclusive use of the home. However, it is only a piece of paper. You must also take steps to insure your safety.

What is an Emergency Order of Protection?

An Emergency Order of Protection is also a legal restraint to prevent domestic violence. An Emergency Order may be granted by an authorized judicial officer in writing, verbally or by telephone for the protection of a person in "imminent and present danger of domestic violence."

An Emergency Order may be used to order a person not to commit acts of domestic violence or contact people protected by the order. Similar to the Order of Protection, it also provides protective relief, such as exclusive use of the home and removing firearms from an abuser.

Unless continued by the court, an Emergency Order is valid only until the close of the next day of judicial business following the day that the Emergency Order was issued.

In counties with a population of 150,000 persons or more, the presiding judge of the Superior Court must make available, on a rotating basis, a judicial officer to issue Emergency Orders during the hours that the courts are closed. There is no similar requirement for counties having a smaller population. However, in smaller counties, a judge, justice of the peace or magistrate may issue an Emergency Order of Protection.

What is a Release Order?

In rural counties where it is not required that a judicial officer be designated to issue Emergency Orders when the courts are closed, emergency protection is available through a registered Release Order. Arizona law provides that, when a person arrested for an act of domestic violence is released from custody, any Release Order shall include pretrial release conditions necessary to protect the alleged victim and other specifically designated persons.

Within twenty-four hours after a defendant is arrested for an act of domestic violence, the court must forward a certified copy of the Release Order to the sheriff of the county in which the Order was issued for registration. The sheriff must maintain a central repository for Release Orders so the existence and validity of the Release Order may be easily verified.

Law enforcement agencies are required to advise domestic violence victims where registration and the conditions of a Release Order may be verified. Faced with a violation of a Release Order, a victim may summon a peace officer to enforce the conditions of the Order against the defendant.

What is an Injunction Against Harassment?

The Injunction Against Harassment orders a person to stop harassing, annoying or alarming another person. Injunctions can be used for disputes against neighbors, strangers, and people who are or were dating. Harassment is defined as: "a series of acts over any period of time that is directed at a specific person...." The relationship between you and the other person determines which protective order will be used for your situation. The Injunction Against Harassment differs from the Order of Protection in that exclusive use of the home cannot be ordered and the police are not mandated to serve the Injunction.

Your employer may ask the court for an Injunction Against Workplace Harassment to deal with harassing behavior which takes place at your workplace.

What is the Injunction Against Workplace Harassment?

The Injunction Against Workplace Harassment is the newest protective order available in Arizona. It allows an employer or an agent of an employer to file for relief on behalf of all employees at the workplace, any person who enters the employer's property and any person who is performing official work duties.

This allows the inclusion of numerous people under the protective umbrella of this Injunction, whereas the "personal" Injunction Against Harassment is usually between two people.

Harassment for this injunction is defined as: "a single threat or act of physical harm or damage or a series of acts over a period of time that would cause a reasonable person to be seriously alarmed or annoyed."

A qualification was included which ensures that the employer may not seek an injunction primarily to accomplish a purpose for which it was not designed (i.e. prohibit free speech or other activities that are constitutionally or otherwise protected by law.)

What is the relationship test?

When seeking relief from domestic violence, the relationship test determines if you need an Order of Protection or an Injunction Against Harassment. To obtain an Order of Protection, the abusive party (the defendant) MUST be one of the following:

- A spouse or former spouse
- A parent of your child (either born or pregnant with)
- Lives or has lived with you in the same household
- Related by blood or court order as your parent, grandparent, child, grandchild, brother, or sister
- Related by marriage as your parent-in-law, grandparent-in-law, stepchild, step-grandchild, brother-in-law, sister-in-law, stepparent or step-grandparent
- A person who resides or who has resided in the same household with a child. The child must be related by blood to a former spouse of the defendant or to a person who resides or who has resided in the same household as the defendant.

For an Injunction Against Harassment, there is no relationship requirement between you (the plaintiff) and the abusive party (the defendant). If you and the defendant do not meet any of the above relationships required for an Order of Protection, then you will need to apply for an Injunction Against Harassment.

How and where can I get an Order of Protection or an Injunction Against Harassment?

You may file a petition for an Order of Protection or Injunction Against Harassment in any superior, municipal or justice court regardless of where you live in Arizona. When you enter the court, go to the Clerk of the Court's counter, Self Service Center, or protection order window and tell the clerk you are requesting an Order of Protection or an Injunction Against Harassment. The clerk will give you the proper Petition forms.

Any court in the state is able to issue an Order of Protection or Injunction Against Harassment with three exceptions:

1. If two courts are located within a one mile distance, then one court can be designated as the court which issues protective orders.
2. If you have filed an action for divorce, separation, paternity or annulment with the Superior Court (involving the same person from whom you want protection), then you need to return to the Superior Court to request an Order of Protection.
3. If the defendant is less than 12 years of age only the Juvenile Division of the Superior court may issue the order or injunction.

COMMON PLAINTIFFS' QUESTIONS

What information do I need in order to obtain an Order of Protection or Injunction Against Harassment?

To obtain an Order of Protection or Injunction Against Harassment you will need:

- The name, date of birth and address, if known of the person from whom you are requesting protection (the defendant) and, if possible, any other address where that person can be reached.
- The dates and facts of the domestic violence or harassing acts, or why you believe that domestic violence or harm may occur without protection.
- A safe address and phone number where you may be contacted so the court can notify you if a hearing is scheduled or if there is a change of the hearing date.
- Additional helpful information includes a physical description, Social Security Number, and aliases.

Do I have to put my address on the Petition to get an Order of Protection or Injunction Against Harassment?

No. If the defendant does not already know your address, you can request that your address be kept confidential by the court. The court should provide you with a separate form to maintain your address in its files in the event they need to contact you concerning your protective order.

Do I have to be an adult to get an Order of Protection or an Injunction Against Harassment?

Unless the court determines otherwise, if a person seeking protection is a minor, then a parent, legal guardian or the person who has legal custody shall request the order. However, the judicial officer has discretion to allow a minor to request an order in cases where a parent or guardian is missing or not available, or where the minor is seeking relief from the parent.

Can I include my children or other family members?

Yes. Children, family members or friends can be included in your Order of Protection or Injunction Against Harassment, if the judge determines it is appropriate. If your family or friend is an adult, the judge may require that this person be present when requesting the protective order.

Note: A protective order DOES NOT determine custody and cannot address parenting time issues. These matters must be handled separately by filing an action in the Superior Court as a domestic relations matter.

How much does it cost to get an Order of Protection or Injunction Against Harassment?

By law, there are NO authorized filing fees and NO authorized fees to have the Order of Protection served.

Additionally, by law there are NO filing fees for an Injunction Against Harassment and, if there is a dating relationship involved, there are NO authorized fees to have the Injunction Against Harassment served.

There may be a fee charged for an employer to have an Injunction Against Workplace Harassment served on the defendant. If the employer cannot afford the service fees, the employer can request the court waive or defer these fees.

How long does the Order of Protection or Injunction Against Harassment last?

An Order of Protection or Injunction Against Harassment must be served within one year of the date it is issued. It is good for one year from the date of service on the defendant.

Where and how can I get an Order of Protection when the Courts are closed?

In counties with a population of 150,000 persons or more, you may request any law enforcement officer to call the Sheriff's Office to request contact with the judicial officer designated for the day to issue an Emergency Order of Protection.* The law enforcement officer must have reasonable belief that you are in immediate and present danger of Domestic Violence based on a recent incident of actual Domestic Violence. The Emergency Order of Protection may be authorized in writing or verbally and must be served on the defendant to be effective.

If the emergency order is verbally authorized, the law enforcement officer completes the Emergency Order of Protection form and notes both the name of the judicial officer and that the order was verbally issued. See Section 13-3624(A), Arizona Revised Statutes.

Note: You should file a petition for an Order of Protection before the close of the following business day.

What happens if the defendant violates the Order of Protection or Injunction Against Harassment?

IN AN EMERGENCY CALL 9-1-1

If the order has NOT been served, the defendant is not legally in violation of the order. Once the Order of Protection is served on the defendant, a violation of the court order is a criminal act. If the defendant does not follow the terms in the Order of Protection or Injunction Against Harassment, then the police should be notified of a violation.

Note: You are advised NOT to contact the defendant or invite the defendant to visit you.

Note: The decision to file criminal charges for violation of an Order of Protection or Injunction Against Harassment is made by the Prosecutor's Office, NOT by the victim or the court.

What if I get an Order of Protection or Injunction Against Harassment but the defendant has not yet been served and comes near me or commits another abusive act against me?

When you see the defendant is approaching you, CALL 9-1-1. Explain that you have a protective order and the defendant is approaching you but has not yet been served. If you cannot call the police before the defendant contacts you, report the incident to the police as soon as you are able.

Keep a copy of the petition and the order with you at all times! Any Arizona law enforcement agent can serve the Order of Protection or Injunction Against Harassment, if you provide them with a copy. This is your proof to law enforcement that a protective order has been issued against the defendant.

Can an Order of Protection or Injunction Against Harassment be changed or modified?

Yes. The petitioner or the defendant may file a petition to request that the order or injunction be modified or dismissed. At the hearing, the court may modify, quash or continue the order or injunction. A modified order or injunction must be served on the defendant to be in effect. A modified order or injunction is good for one year from the date of service of the original order.

Can I get an Order removing the abuser from my home?

Yes. If the judicial officer determines that there is reasonable cause to believe physical harm may result, you may be granted exclusive use of the residence in an Order of Protection. However, this order does not affect third parties, such as landlords. The landlord does not have to allow you to stay in the residence if you are not on the lease.

Note: The court may allow the defendant to return one time to the residence with law enforcement officer accompaniment, to retrieve personal belongings.

COMMON DEFENDANTS' QUESTIONS

How can I get an Order of Protection or Injunction Against Harassment issued against me dismissed, changed or modified?

The order/injunction is valid for one year after it is served. During this year, the defendant is entitled to one hearing on the order. The defendant must file a written request for a hearing in the same Court that issued the Order of Protection or Injunction Against Harassment.

If the order is modified, the modified order has to be re-served and is effective for one year from the date of service of the original order. If the defendant does not accept the order while in the court, the judicial officer may detain the defendant until a law enforcement officer is summoned to serve the defendant the order.

I have been ordered to surrender my firearms. When can I get them back?

The judge may order a defendant to turn over ALL firearms if the judge finds that the defendant is a credible threat. If such an order is issued, you must turn over all of the firearms in your possession to the local law enforcement agency. When the order expires (one year) you may request the return of your firearms from the law enforcement agency that is holding them. You may request a hearing to modify the order to return your firearms.

I have been ordered to stay away from my house. How do I collect my belongings?

If you need to get personal items and clothing, you may return one time with a law enforcement officer accompanying you. Contact the local law enforcement agency to make the arrangements. Law enforcement CANNOT resolve disputes regarding what belongings belong to whom. You may file a civil action in the Justice Court to recover property in the residence that you believe is being wrongfully denied to you.

What can I do if I believe this order stops me from seeing my children?

An order of protection does not determine custody and cannot address parenting time issues. The order only addresses safety issues. You have three options:

1. Ask for a hearing to modify the protective order in the Court that issued it.
2. If the order does not prohibit contact with children, arrange for parenting time through a neutral third party (a friend or relative) not involved with the order of protection.
3. File an action in Superior Court, as part of a domestic relations case, to clarify your custody rights or parenting time schedule.

Note: If you were never married or never established paternity through an action in Superior Court, you have no legal right to the children. These rights must be established by filing an action in the Superior Court as a domestic relations matter.

WORDS AND DEFINITIONS

Continue: The case which was heard by the judicial officer has not been finalized. A case can be extended for a variety of reasons and the judicial officer will reschedule the case to be heard again at later time

Defendant: The party the order is against is called the "Defendant" because that person may file a response and ask for a hearing in order to defend himself or herself.

Dismissed: The judicial officer removes the Order of Protection or Injunction Against Harassment. Note: Only the court can dismiss, modify, or change an order.

Harassment - personal: A series of acts over any period of time that is directed at a specific person and would cause a reasonable person to be seriously alarmed, annoyed or harassed and the conduct seriously alarms, annoys or harasses the person and serves no legitimate purpose.

Harassment - workplace: A single threat or act of physical harm or damage or a series of acts over any period of time that would cause a reasonable person to be seriously alarmed or annoyed.

Judicial business: The official working hours in which the court is open for business. Weekends and holidays are not included. If an Emergency Order of Protection was issued on Friday night, the next judicial business day would be Monday.

Judicial officer: An elected or appointed Judge, Commissioner, Justice of the Peace or Magistrate.

Legal restraint: A court order issued by a Judge, Commissioner, Justice of the Peace or Magistrate which prohibits a defendant from doing certain acts.

Modify: The plaintiff or the defendant may request specific changes be made to the Order of Protection or Injunction Against Harassment. If the judicial officer agrees and makes the change at a hearing, the Order of Protection or Injunction Against Harassment is considered "modified." A modified Order of Protection or Injunction Against Harassment must be served upon the defendant again.

Plaintiff: The person who files the request (Petition) with the court for an order or injunction.

Quash: The judicial officer stops the Order of Protection or Injunction Against Harassment. Note: Nothing the plaintiff does can stop, change or undo the order.

Served: "Service" or "served" means that the defendant is provided with a copy of the petition that you filled out along with the Order of Protection or Injunction Against Harassment. Once an Order of Protection or Injunction Against Harassment is issued by the judge, the person seeking protection (Petitioner) needs to request that it be served on the defendant. Legal papers must be served by certain people in a particular way according to court rules (Rules 4.1 and 4.2 of the Arizona Rules of Civil Procedure). You may not serve the papers yourself. A private process server or a law enforcement agency can perform the service.

NOTE: Remember, the order or injunction is not effective until it is served on the defendant.

RESOURCES

National Domestic Violence Hotline

(800)799-SAFE (7233)

(800)787-3224 (TDD)

Arizona Coalition Against Domestic Violence

Legal Advocacy Program

(800)782-6400

(602)279-2900

Attorney General's Office of Victim Services

(602) 542-4911

Arizona Supreme Court

Domestic Violence Web Page:

www.supreme.state.az.us/dr/dv/dv.htm

NORTHERN ARIZONA DOMESTIC VIOLENCE RESOURCE LIST

EMERGENCY: 911

LAW ENFORCEMENT

Flagstaff Police: 774-1414
Sheriff's Office: 774-4523
NAU Police: 523-3611
Jail: 779-4113
Fredonia: 643-7513
Page Police: 645-2461
Navajo Police: 283-3111
Williams Police: 635-4461

COURTS

City Court: 774-1401
Justice Court: 779-6806
Superior Court: 779-6535
Pre-Trial: 779-6844
Probation: 774-8741

VICTIM ASSISTANCE

Victim/Witness Services
(also crisis services): 779-6163
Kateri Services: 779-7141
Northland Family Help Center: 774-4503
Child Protective Services: 779-3681
DNA-People's Legal Services: 774-0653
Flagstaff Medical Center: 779-3366
Coconino County Health Dept.: 522-7800

SHELTER

Women's Shelter: 527-1900
Children's Shelter: 527-1800
Hope Cottages (women & children): 774-9270
Sunshine Rescue Mission (men): 774-3512

COUNSELING/SUPPORT

Kateri Services: 779-7141
Northland Family Help Center: 774-4503
The Guidance Center: 527-1899
NAU Counseling & Testing Center: 523-2261
The Alternatives Center: 214-9050

24-HOUR HOTLINES

Women's Shelter (local): 527-1900
The Guidance Center: 527-1899

DOMESTIC VIOLENCE HOTLINE: 1-800-779-7233

FILL IN THE BLANKS

This form is an optional, interactive feature. The information you enter will automatically appear on all the forms in the packet, saving you time. Not every piece of information is needed in every case -- enter the information you know. Even if you use this form, you still must fill in additional blanks on the rest of the forms in the packet. Do not file this form with the court or deliver it to the other party.

Case Number: _____

Court Name: _____

Court Street Address: _____

Court City, "AZ" Zip Code: _____

Court Phone Number: _____

Plaintiff's Name: _____

Plaintiff's Birthdate: _____

Defendant's Name: _____

Defendant's Sex: _____

Defendant's Race: _____

Defendant's Birthdate (month/date/year -- example: "12/28/65"): _____

Defendant's Height: _____

Defendant's Weight: _____

Defendant's Eye Color: _____

Defendant's Hair Color: _____

Defendant's Social Security Number: _____

Defendant's Alias: _____

Defendant is ☐ Military ☐ Law Enforcement

Defendant's Street Address: _____

Defendant's City, State, and Zip Code: _____

ORDER OF PROTECTION AND INJUNCTION GUIDE SHEET - PLEASE READ CAREFULLY

- 1. ORDERS OF PROTECTION.** An Order of Protection is used for a “family” relationship between you and the Defendant. This can include a spouse, ex-spouse, past or present live-in, in-law, parent, grandparent, brother, sister, or the parent or parent-to-be of your child. Also, you must state how a crime was threatened or actually committed against you within the last year.
- 2. INJUNCTIONS AGAINST HARASSMENT.** For an Injunction, the Defendant is not a “family” member and has committed a series of acts (more than one) of harassment against you in the last year. Also, a “dating” relationship without living together could be a basis for an Injunction. **INJUNCTIONS IN THE WORKPLACE.** This Injunction may be filed by an employer or owner of a business or operation for the benefit of an employee or the business against a single act or series of acts of harassment.
- 3. OTHER PERSONS.** If other persons live with you or you have minor children you want on the Petition, be sure to state how they are at risk. Only a Superior Court Judicial Officer can decide child custody or parenting time in a separate action. It is possible that you will be referred to Superior Court if needed where children are involved. If your child is at risk by the Defendant, you may request to have the child listed on the Order.
- 4. ONE DEFENDANT.** You must list only ONE Defendant per application. For multiple defendants you will need to file separate petitions. The court may set a hearing prior to issuing the Injunction to better know the facts. This is especially likely in cases involving juvenile defendants or neighborhood issues.
- 5. CHANGING THE PAPERS.** Only a Judicial Officer can change or cancel an Order or Injunction. To modify an Order or Injunction, you need to come to court to file for an amendment. Once the Order or Injunction is served, if you change your mind about the need for it, please come back to court to have it canceled (dismissed). If you file an action for maternity, paternity, annulment, legal separation, or dissolution against the Defendant, advise this court at once.
- 6. LAW ENFORCEMENT STANDBY.** If you need to get personal belongings from the Defendant, or if Defendant needs to get personal items from you, ask the court about a “standby.” Neither the court nor law enforcement can decide property or title questions about furniture, finances, real estate, etc. For these matters, you may need to file a separate action.
- 7. SERVICE AND EFFECT.** An Order or Injunction is valid for one year, nationwide, from the date it is personally served on the Defendant. There is no cost or charge to serve an Order of Protection or Injunction Against Harassment involving a “dating” relationship. There is a cost to serve a regular Injunction or Workplace Injunction. The court will instruct you on how service can be made. The cost to serve Injunctions varies depending on mileage and attempts. If you cannot afford to hire a process server, ask the court about a “deferral” or “waiver.”
- 8. FIREARMS.** If you are worried about firearms, there is a box to check on the petition asking the court to prohibit the Defendant from possessing or purchasing firearms or ammunition while the Order/Injunction is in effect.
- 9. COUNSELING.** If requested, counseling for the Defendant can be ordered only at a hearing at which you and the Defendant must appear.
- 10. OTHER.** If additional space is needed to provide complete information in the Petition, you may continue on additional paper. As a reminder, the information that you provide in your case may be entered into the state computer system or made public on the internet. **A copy of your Petition and Order is given to the Defendant and may be used in future judicial proceedings. The Defendant is entitled to request a hearing at which the Plaintiff must appear.**

Make sure you PRINT all your information on this form and your actual Petition:

Your Name

Your Address and Any Apt. Number

Your Day Time Telephone

City, State, ZIP

IMPORTANT, Check below to keep your address off of the papers that are served on the Defendant. Defendant does NOT know where I [] live [] work. Do NOT show my address to Defendant. If checked, please do not write these addresses on the Petition.

Defendant's Name

Defendant's Address and Any Apt. Number

Defendant's Description

| Sex | Race | Birth Date | Height | Weight | Eyes | Hair | Soc. Sec. No. |
|-----|------|------------|--------|--------|------|------|---------------|
| | | | | | | | |

COURTS OF ARIZONA

NAME OF COURT

Street Address

City, Arizona Zip Code

Phone Number

| | | |
|-----------------------------------------------------|-----------------------|--------------------------------------------------------------|
| Plaintiff (Work Inj. ONLY–Plaintiff Employer) | Defendant | Case No. _____ |
| Date of Birth | Address | <input type="checkbox"/> PETITION for Order of Protection |
| (Work Inj. ONLY - Agent's Name) | City, State, Zip Code | <input type="checkbox"/> Injunction Against Harassment |
| | Phone | <input type="checkbox"/> Workplace Injunction |
| | | NCIC # Ct. # |

DIRECTIONS: Please read Guide Sheet before filling out this form.

- Defendant relationship: ☐ Spouse ☐ Ex-spouse ☐ Lived together (now or before) ☐ Child in common ☐ Dating (never lived together) ☐ One of us pregnant by the other ☐ Parent
☐ Other: _____
- ☐ If checked, there is a pending action involving maternity, paternity, annulment, legal separation, dissolution, custody, parenting time or support as follows:
(county) _____ Superior Court Case # _____
- Have you or the Defendant been charged or arrested for domestic violence OR requested a Protective Order? ☐ Yes ☐ No ☐ Not sure
If yes or not sure, explain: _____

- I need a Court Order because: (PRINT both the date(s) and briefly what happened):

| Date(s) | Describe what happened (Attach additional paper if necessary – Do not write on back) |
|---------|--------------------------------------------------------------------------------------|
| | |
| | |
| | |
| | |
| | |

5. The following persons should also be on this Order. As stated in number 4, the Defendant is a danger to them:

| Name | Birth Date | Name | Birth Date |
|-------|------------|-------|------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

6. Defendant should be ordered to stay away from these locations, at all times, even when I am not present:

☐ Home _____
☐ Work _____
☐ School/Others _____

7. ☐ If checked, because of the risk of harm, order the defendant NOT to possess firearms or ammunition.

8. ☐ If checked, request an order for the Defendant to participate in domestic violence counseling or other counseling.

9. Other: _____

Under penalty of perjury, I swear or affirm the above statements are true to the best of my knowledge, and I request an Order/Injunction granting relief as allowed by law.

Plaintiff

Attest: _____ / ____ / ____
Judicial Officer/Clerk/Notary Date

COURTS OF ARIZONA - NAME OF COURT: _____
Street Address: _____ City, Zip: _____ Phone: _____

| | | |
|-----------------------------------|---------------------------------|-------------------------------------------------------------------------------------------|
| _____ Plaintiff 's Name | _____ Court Case No. | INJUNCTION AGAINST HARASSMENT [] AFTER HEARING [] MODIFIED |
| Date of Birth: _____ | _____ Court No., NCIC | |
| -vs- | _____ Court No., DPS | |
| _____ Defendant's Name | | |

WARNING TO DEFENDANT

This is an official Court Order. If you disobey this Order, you may also be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this Order.

NOTICE: Only the Court can change this Order. Nothing Plaintiff does can stop, change, or undo this Order without court- approval. You must return to Court to modify (change) or quash (stop) this Order. This Order is effective for one year after original service on you and is valid nationwide. If you disagree with this Order, you may file a written request for a hearing with the Court named above. This is not a custody or visitation order. You must file separately for that in Superior Court.

The Court finds reasonable evidence of harassment of the Plaintiff by the Defendant or that great or irreparable harm would result to the Plaintiff if the Injunction is not granted before the Defendant can be heard in opposition, and that there are specific facts attesting to the efforts to give notice to the Defendant or that there are reasons why notice should not be given.

1. **THEREFORE, IT IS ORDERED** that Defendant not commit an act of harassment (an act that would cause a reasonable person to be seriously alarmed, annoyed or harassed and serves no legitimate purpose) against Plaintiff and (Names and Dates of Birth):

| Name | Date of Birth |
|------|---------------|
| | |
| | |
| | |

☐ Check if any person listed is a member of Plaintiff's household/family.

2. ☐ The Defendant shall not contact Plaintiff: ☐ in person; ☐ by phone; ☐ in writing; ☐ _____
The Defendant may contact the Plaintiff through legal counsel, legal process or with permission of the Court.

3. ☐ The Defendant shall not contact persons listed above: ☐ in person; ☐ by phone; ☐ in writing; ☐ _____
4. ☐ The Defendant shall not go on or near where Plaintiff and/or: _____
☐ Resides (Leave blank if protected): _____
☐ Place of employment (Leave blank if protected): _____
☐ School (Name or Address): _____
☐ Other locations: _____

5. Other Orders necessary for the protection of the Plaintiff and other designated persons: _____

**All violations of this Injunction should be reported to a law enforcement agency, not the Court.
 (JUDICIAL OFFICER: DO NOT USE UNLESS DEFENDANT IS AN INTIMATE PARTNER
 AND THIS INJUNCTION IS ISSUED AFTER A HEARING.)**

6. ☐ The Defendant received actual notice of this hearing and had an opportunity to participate.

The Plaintiff or other protected person(s) is an intimate partner, or a child of an intimate partner or of the Defendant. As defined in 18 U.S.C. 921(a), "intimate partner" means with respect to a person, the spouse of a person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.

The Court finds that the Defendant represents a credible threat to the physical safety of the Plaintiff or other protected person and/or may inflict bodily injury or death on the Plaintiff.

- ☐ **BRADY APPLIES:** Upon service of this Injunction, **it is ordered that the Defendant shall not possess, receive and/or purchase firearms or ammunition.**

Date: _____ Judicial Officer: _____

CERTIFICATION

I hereby certify that this is a true copy of the Injunction on file in this Court by: _____
 Judicial Officer or Clerk of the Court

DESCRIPTION OF DEFENDANT

| SEX | RACE | DOB | HEIGHT | WEIGHT | EYES | HAIR | SOC. SEC. |
|-----|------|-----|--------|--------|------|------|-----------|
| | | | | | | | |

ALIAS (if known): _____

Defendant is: ☐ Military ☐ Law Enforcement

COURTS OF ARIZONA - NAME OF COURT Street Address City, Arizona Zip Code Phone Number

| | | |
|----------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------|
| Plaintiff: _____ Date of Birth: _____ -vs- Defendant: _____ | Court Case No.: _____ Court No., NCIC: _____ Court No., DPS: _____ | CERTIFICATE OF SERVICE |
|----------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------|

USE THIS FORM ONLY IF YOU ARE A PERSON AUTHORIZED UNDER A.R.C.P. 4 TO SERVE LEGAL PAPERS.

The undersigned, being first duly qualified by law, swears or certifies that the following was served:

- ☐ Copy of the Petition and Order of Protection
- ☐ Copy of the Petition and Injunction Against Harassment
- ☐ Copy of the Petition and Injunction Against Workplace Harassment
- ☐ Notice of Hearing

upon ☐ Plaintiff ☐ Defendant on (date) _____, (year) _____
at (time) _____ a.m. / p.m. at (address) _____

Person Serving Process: _____

☐ Registered Process Server (MUST BE NOTARIZED)

☐ Peace Officer (NEED NOT BE NOTARIZED)

Office or agency and identification number of Peace Officer: _____

SUBSCRIBED AND SWORN to before me this date: _____

Seal:

Notary Public: _____

My commission expires: _____

Charges: Services \$ _____ Mileage \$ _____ Fees Paid \$ _____ Notary Fees \$ _____ TOTAL \$ _____

IN ACCORDANCE WITH A.R.S. 12-1809 AND 13-3602, THIS CERTIFICATE OF SERVICE MUST BE PROMPTLY FILED WITH THE CLERK OF THE ISSUING COURT NAMED ABOVE.

COURTS OF ARIZONA - NAME OF COURT Street Address City, Arizona Zip Code Phone Number

| | | |
|----------------------------------------------------------------------|--------------------------------------------------------------------------|----------------------------------|
| Plaintiff: _____ Date of Birth: _____ -vs- Defendant: _____ | Court Case No.: _____ Court No., NCIC: _____ Court No., DPS: _____ | ACCEPTANCE OF SERVICE |
| | | |

I, Defendant, hereby accept service of a copy of the:

- ☐ Petition and Order of Protection
- ☐ Petition and Injunction Against Harassment
- ☐ Petition and Injunction Against Workplace Harassment
- ☐ Notice of Hearing

issued on this date: _____

DATED: _____

Defendant: _____

COURTS OF ARIZONA - NAME OF COURT Street Address

City, Arizona Zip Code

Phone Number

| | | |
|----------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Plaintiff: _____ -vs- Defendant: _____ | Court Case No.: _____ | REQUEST: <input type="checkbox"/> HEARING <input type="checkbox"/> DISMISS ORDER <input type="checkbox"/> CANCEL HEARING AND ORDER <input type="checkbox"/> CONTINUANCE |
|----------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

☐ Defendant requests that:

- ☐ a hearing be set on an Order of Protection with exclusive use of the home issued on (date): _____
(Hearing must be set within 5 days from the date of request.)
- ☐ a hearing be set on an Order of Protection issued on (date): _____
(Hearing must be set within 10 days from date of request.)
- ☐ a hearing be set on an Injunction Against Harassment issued on (date): _____
(Hearing must be set within 10 days from date of request.)
- ☐ a hearing be set on an Injunction Against Workplace Harassment issued on (date): _____
(Hearing must be set within 10 days from date of request.)
- ☐ the hearing previously requested by me on the Order or Injunction be canceled.
- ☐ the court continue the hearing scheduled hearing on (date) _____

☐ Plaintiff requests that:

- ☐ the court dismiss the Order of Protection issued on (date) _____
- ☐ the court dismiss the Injunction Against Harassment issued on (date) _____
- ☐ the court dismiss the Injunction Against Workplace Harassment issued on (date) _____
- ☐ the hearing set prior to the issuance on the Order or Injunction be canceled.
- ☐ the court continue the scheduled hearing on (date) _____

List the reasons for your request: _____

Date: _____

Requesting Person's Signature: _____

CERTIFICATE OF TRANSMITTAL

Copy mailed/delivered to Plaintiff on: _____ by _____

Copy mailed/delivered to Defendant on: _____ by _____

COURTS OF ARIZONA - NAME OF COURT Street Address

City, Arizona Zip Code

Phone Number

| | | |
|----------------------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Plaintiff: _____ -VS- Defendant: _____ | Court Case No.: _____ | HEARING ORDER REGARDING: <input type="checkbox"/> ORDER OF PROTECTION <input type="checkbox"/> INJUNCTION AGAINST HARASSMENT <input type="checkbox"/> INJUNCTION AGAINST WORKPLACE HARASSMENT |
|----------------------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

☐ 1. The requested relief is denied. Date request filed and nature of relief: _____

☐ 2. A hearing having been requested, the Court having determined that a hearing is necessary or a request having been made to continue the hearing: This matter is set for hearing on this date and time: _____ in this courtroom: _____, at which time the parties are to present the court with testimony and evidence on the issue of whether the Court should continue, revoke or modify the Order of Protection, Injunction Against Harassment, or Injunction Against Workplace Harassment.

☐ 3. The hearing previously set for this date: _____ is canceled.
Reason: _____

☐ 4. On motion of the Plaintiff, the Order of Protection, Injunction Against Harassment, or Injunction Against Workplace Harassment issued on (date) _____ is dismissed.

☐ 5. **At time of hearing:**

Plaintiff: ☐ Appeared ☐ Failed to Appear

Defendant: ☐ Appeared ☐ Failed to Appear

Plaintiff: ☐ Had Notice of the Hearing

Defendant: ☐ Had Notice of the Hearing

☐ A. The hearing previously set is canceled. Reason: _____

☐ B. The Order of Protection, Injunction Against Harassment, or Injunction Against Workplace Harassment previously issued on (date) _____ by this Court is dismissed.

☐ C. The Order of Protection, Injunction Against Harassment, or Injunction Against Workplace Harassment issued on (date) _____ remains in effect.

☐ D. The Order of Protection, Injunction Against Harassment, or Injunction Against Workplace Harassment issued on (date) _____ was modified, a modified Order/Injunction was issued.

☐ 6. **BRADY applies.**

Date: _____

Judicial Officer: _____

CERTIFICATE OF TRANSMITTAL

Copy mailed/delivered to Plaintiff on: _____ by _____

Copy mailed/delivered to Defendant on: _____ by _____

Copy mailed/delivered to Sheriff on: _____ by _____

COURTS OF ARIZONA - NAME OF COURT Street Address City, Arizona Zip Code Phone Number

| | | |
|----------------------|------------------------|------------------------------------------------------------|
| Plaintiff: _____ | Court Case No.: _____ | NOTICE TO SHERIFF OF BRADY DISQUALIFICATION |
| Date of Birth: _____ | Court No., NCIC: _____ | |
| -vs- | Court No., DPS: _____ | |
| Defendant: _____ | | |

Notice is hereby given to the Sheriff of this County that the Order of Protection (“protection order”) issued in the above-referenced case on (date) _____ meets the criteria established in the Violent Crime Control and Law Enforcement Act of 1994 (18 U.S.C. 922(d) and (g)) and should be assigned a positive Brady Record Indicator in the Protection Order File of the National Crime Information Center database.

The Defendant is disqualified from purchasing or possessing a firearm or ammunition based upon the following:

1. The protection order was issued or affirmed after a hearing of which the Defendant received actual notice and at which the Defendant had an opportunity to participate.
2. The Defendant is a person subject to a protection order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child. As defined in 18 U.S.C. 921(a), “intimate partner” means with respect to a person, the spouse of a person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.
3. The protection order includes a finding that the Defendant represents a credible threat to the physical safety of such intimate partner or child; or by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.

The protection order issued by this Court remains in full force and effect and was not modified at the hearing held.

Date: _____ Judicial Officer: _____